

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARRY E. YOUNG,

Petitioner,

v.

Case No. 10-10117
HON. AVERN COHN

CARMEN PALMER,

Respondent.

_____ /

**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S
MOTION FOR APPOINTMENT OF COUNSEL**

This is a habeas case under 28 U.S.C. § 2254. Before the Court is Petitioner's Motion for Appointment of Counsel. Petitioner asserts that he is unable to afford counsel, that his claims are meritorious but complex, and that he has limited legal knowledge. Respondent has recently filed a response to the petition and the Rule 5 materials.

Petitioner has no absolute right to be represented by counsel on federal habeas review. See *Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); see also *Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). "[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)).

Here, Petitioner has submitted pleadings in support of his habeas claims. Neither an evidentiary hearing nor discovery are currently necessary, and the interests

of justice do not require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c). Accordingly, Petitioner's motion for appointment of counsel is DENIED.

Petitioner's motion will be reconsidered if, after the Court has had an opportunity to review the answer and the state-court record, it determines that appointment of counsel is necessary, then the Court will do so at that time. Petitioner need not file an additional motion concerning this issue.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: August 27, 2010

I hereby certify that a copy of the foregoing document was mailed to Garry Young 159553, Michigan Reformatory, 1342 West Main Street, Ionia, MI 48846 on this date, August 27, 2010, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160